

Peppercorn tree avenues, railway reserve north of Seddon Station: HO 98 Incorporated Plan

This plan is incorporated in the Maribyrnong Planning Scheme under clause 43.01- Heritage Overlay and Clause 81 Incorporated Documents.

1. *Where the Plan applies*

This Plan applies to the Peppercorn tree avenues along the Footscray/Williamstown railway line north of Seddon Station. The significant peppercorn trees are located along Bellairs Avenue, Albert Street and at 7 Charles Street, Seddon.

The significant elements of the heritage place are:

- The avenues of Peppercorn trees
- The land which contains the critical root zone of the trees.

The trees and their critical root zone are included within the Schedule to the Heritage Overlay of the City of Maribyrnong Planning Scheme as heritage overlay HO98. It is noted that the critical root zone of the trees may extend beyond the mapped extent of HO98.

This incorporated plan recognises that the trees are of cultural significance to the City of Maribyrnong, but that their location in the railway reserve potentially results in the provisions of the heritage overlay affecting the maintenance and repair of the rail lines and surrounds.

2. *Purpose of the plan*

The intent of this plan is to acknowledge the heritage significance of the listed trees while providing permit exemptions for maintenance and repair of the railway infrastructure and the trees.

This incorporated plan is prepared for the purpose of Clause 43.01-2 of the Scheme to exempt certain actions from the requirement for a permit under the provisions of Clause 43.01 of the Scheme.

3. *Statement of Significance*

The railway reserve peppercorn tree avenues are significant to the City of Maribyrnong:

- For their maturity, genus and planting configuration (this combination being rare in the City)
- As a landscape element which demonstrates the upgrade of the railway during the Edwardian era, along with local industrial expansion.
- As a landscape element demonstrating the role of the reserve as the major entry point to the area via the railway station.

4. Exemptions from Planning Scheme requirements

- 4.1 No permit is required under Clause 43.01 of the Maribyrnong Planning Scheme to prune or lop a tree provided the action complies with Council's *Street Tree Policy and Protocols*.
- 4.2 No permit is required under Clause 43.01 of the Maribyrnong Planning Scheme to carry out railway line repairs and maintenance which will not have a significant effect on the health or appearance of the pepper trees provided that:
- No trenching or excavation operations, such as footing preparation and service pipe installation, are carried out within the dripline of any significant tree
 - The area within the dripline of the trees is kept free of all equipment, materials and debris.
 - Trees are protected from wind-blown materials such as cement.

This incorporated plan does not exempt the following works from a permit requirement:

- Cut and fill, trenching or excavation operations within the dripline of any of the significant trees.
- Works which are likely to result in the compaction of ground within the dripline of any of the significant trees.

5. Definition

Critical root zone – the critical root zone is the land under the tree equivalent to the width of the canopy or an area with a radius half the height of the tree, whichever is the greater. Where trees may be growing in close proximity to obstructions, the root growth pattern may be irregular and the critical root zone should be established independently.

6. Reference Documents

Maribyrnong Heritage Review Volume 3 (2004 version) prepared by Francine Gilfedder & Associates

Maribyrnong City Council *Street Tree Policy and Protocols*, June 1998